

**THIRTY-FOURTH DAY**

(Monday, March 14, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Strauss, and by unanimous consent, the reading of the Journal of the proceedings of Thursday was dispensed with and the Journal approved.

**Reports of Standing Committees**

Senator Hardeman submitted the following reports:

Austin, Texas,  
March 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 3, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
March 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 6, have had same under consideration, and I am instructed to report it back to the

Senate with the recommendations that it do pass as amended and be printed.  
HARDEMAN, Chairman.

**Senate Bill 394 on First Reading**

Senator Ashley moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Harris	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Lane	

Absent

Hardeman	Kelly of Tarrant
Hazlewood	Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Ashley:

S. B. No. 394, A bill to be entitled "An Act to clarify and amend the Laws of Texas relating to dentistry by amending Section 3 of Chapter 571, General and Special Laws of Texas, Regular Session, Fiftieth Legislature, 1947, so as to provide for revocation, cancellation, or suspension of licenses; the filing and docketing of sworn complaints; investigation of complaints; adequate notice and hearing before the Board; for authority in such Board to subpoena and compel attendance of witnesses; providing for the right of appeal from decision of Board to the Courts; repealing all laws in conflict; providing for possible legal construction and declaring the Legislative intent with respect to this Act; and declaring an emergency."

To Committee on State Affairs.

**Senate Bill 395 on First Reading**

Senator Colson moved that Senate

Rule 114 and Section 5 of Article III of the Constitution be suspended to permit her introducing at this time, a bill, the provisions of which she explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	

Absent

Hazlewood                  Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Colson:

S. B. No. 395, A bill to be entitled "An Act authorizing the Commissioner's Courts of two or more counties, each having a population under Twenty-five Thousand (25,000) according to the last United States Census, to make an arrangement and agreement for the employment and compensation of a county auditor; providing for the appointment and qualification of such county auditor; prescribing his duties; fixing the salary and term of office; and providing that he shall be the County Purchasing Agent in each county; and providing that the provisions of this law shall be cumulative of all other provisions of the laws pertaining to county auditors; and declaring an emergency."

To Committee on Counties and County Boundaries.

Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
March 10, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills:

The House has concurred in Senate amendments to House Bill No. 127, by vote of 125 yeas, 0 nays and 1 present and not voting.

H. B. No. 264, A bill to be entitled "An Act making an emergency appropriation for the use of the Rio Grande Compact Commissioner; and declaring an emergency."

The House has concurred in Senate amendments to House Bill No. 20, by vote of 135 yeas, and 0 nays.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

Senate Bill 396 on First Reading

Senator Carney moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Bullock
Ashley	Carney
Bell	Colson
Bracewell	Corbin
Cousins	Moffett
Hardeman	Moore
Harris	Morris
Hudson	Phillips
Jones	Proffer
Kelly of Tarrant	Strauss
Lane	Taylor
Lock	Tynan
Martin	Vick
McDonald	Weinert

Absent

Hazlewood                  Shofner  
Kelley of Hidalgo

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Carney:

S. B. No. 396, A bill to be entitled "An Act authorizing the introduction in evidence in all civil and criminal cases a certified transcript of the official service and medical records of all personnel and former person-

nel of the Military and Naval forces of the United States Government; providing for the method of certification and the official certifying to same; and declaring an emergency."

To Committee on Civil Jurisprudence.

#### Senate Bill 397 on First Reading

Senator Phillips moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Absent

Cousins Tynan

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Phillips:

S. B. No. 397, A bill to be entitled "An Act authorizing the formation of corporations for the purpose of engaging in the business of furnishing any service or performing any duty with the use of any devices, tools, instruments, or equipment or by means of any chemical, electrical, or mechanical process in connection with the cementing of the casing seat of any wells for the production of oil, gas, brine, or other substance, the shooting or acidizing the formations of such wells, the treating of such wells, the surveying or testing of the sands or other formations of the earth in any such wells, and the removal of scale from boilers, machines, pipe lines, and other mechanical equipment or apparatus; and having

power to buy and sell goods, wares, or merchandise used in such business; providing a savings clause; repealing all laws or parts of laws in conflict; and declaring an emergency."

To Committee on Civil Jurisprudence.

#### Senate Bill 398 on First Reading

Senator Jones moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent

Harris

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Jones:

S. B. No. 398, A bill to be entitled "An Act to amend Section or subdivision 3 of Article 7 of Chapter V of House Bill No. 79, Chapter 97 of the 48th Legislature, R. S.; and declaring an emergency."

To Committee on Banking.

#### Senate Resolution 68

Senator Cousins offered the following resolution:

Whereas, The Civics Class of Beaumont High School of Beaumont, Texas: Joe Martinez, Lewis Messersmith, Jack Hallister, Harold Patillo, Alan White, Buddy Wall, Philip La-

tham, Paul Anderson, Howard Wall, Billy White, Gilbert Richardson, Charles Stafford, Freddie Driebs, Billy Hill, Oliver Lewis, John Bean, Lois Spidle, Ann Bain, Ann Jones, Fannie Turner, Johnnie Lee Odom, Patsy Stagg, Johnnie Lee Adams, Ann Averre, Betty Sirmon, Dolly Dairon, Bleue Kyburg, Mary Morgan, Carolyn Thomas, Linda Edmonson, Mary Ann Walton, Betty Madole, Joy Waldrop, Robbie Lee Kinney, and Laverne Pollock, together with their teachers, Miss Shelley Muse, Miss Alyce McWilliams and Miss Anna Marie du Perier, are visitors in the Senate today; and

Whereas, The above Civics Class has shown their desire to learn of the functions of their State Government so that upon reaching the age of voting they can intelligently participate; and

Whereas, The Senate of the State of Texas appreciates the interest shown by these students and their teachers by making this trip to Austin; now, therefore, be it

Resolved, By the Senate of the State of Texas, that we extend the privileges of the floor to these students, to Miss Shelley Muse, Miss Alyce McWilliams and Miss Anna Marie du Perier, in expression of our appreciation for this visit; that a copy of this Resolution, under seal of the Senate, be forwarded to each member of the Civics Class of Beaumont High School and to Miss Shelley Muse, Miss Alyce McWilliams and Miss Anna Marie du Perier, as evidence of this recognition.

The resolution was read and was adopted.

#### Senate Resolution 69

Senator Phillips offered the following resolution:

Whereas, We are honored today by having in the gallery the Social Study Classes of Webster High School, Clear Creek Consolidated Schools of Galveston and Harris Counties, accompanied by Mr. John Skinner and Mrs. John Hallorhan; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate; that they be extended the

courtesies of the floor for the day; and that each member of this class be furnished with a copy of this Resolution.

PHILLIPS  
BRACEWELL

The resolution was read and was adopted.

#### Senate Resolution 71

Senator Hudson offered the following resolution:

Whereas, We have visiting in Austin in the State Capitol today, A. B. Brown, Mayor of Odessa, John Wilson, City Manager of Odessa, and Malvern McDonald, City Attorney of Odessa; and

Whereas, These distinguished citizens have come to visit the Legislature; now, therefore, be it

Resolved, By the Senate of the State of Texas, that this body extend a hearty welcome to these distinguished citizens; and be it further

Resolved, That these gentlemen be accorded the privileges of the floor for the day.

The resolution was read and was adopted.

#### Senate Concurrent Resolution 26

Senator Kelley of Hidalgo offered the following resolution:

S. C. R. No. 26, Invitation to Honorable Perry Brown, National Commander of American Legion, to address joint session of the Legislature.

Whereas, The State of Texas has been greatly honored by the election last October of the Honorable Perry Brown, of Beaumont, Texas, to the office of National Commander of the American Legion; and

Whereas, The Honorable Perry Brown served in both World Wars I and II in an admirable manner and is rendering an outstanding service to the State and Nation in the splendid manner in which he is conducting the affairs of this high office; and

Whereas, It is fitting and proper that the Legislature of Texas pay a special tribute to this great Texan during his year in this high office; now, therefore, be it

Resolved, By the Senate, the House concurring, that the Honorable Perry Brown, National Commander of The American Legion, be, and he is hereby invited to address the Legislature

of Texas in a joint session, Wednesday, April 13, 1949, at 11:30 a.m.; and be it further

Resolved, That the Honorable Beauford H. Jester, Governor of Texas and the Honorable William McCraw, Department Commander, The American Legion, Department of Texas, be invited to accompany Commander Brown during this occasion; and be it further

Resolved, That the Secretary of the Senate be instructed to forward a copy of this Resolution to proper authorities; and be it further

Resolved, That a committee composed of five members of the Senate and five members of the House be appointed by the Lieutenant Governor and the Speaker of the House to escort these distinguished gentlemen to the Speaker's stand.

KELLEY of Hidalgo  
PHILLIPS  
COUSINS

The resolution was read.

On motion of Senator Kelley of Hidalgo and by unanimous consent, the resolution was considered immediately and was adopted.

#### Senate Concurrent Resolution 28

Senator Moore offered the following resolution:

S. C. R. No. 28, Fixing time for a Joint Session of the Legislature to hear an address by Honorable Luther H. Evans.

Whereas, The House and Senate have heretofore adopted a Concurrent Resolution inviting Honorable Luther H. Evans, Librarian of Congress, to address a Joint Session of the Legislature at his convenience; and

Whereas, Mr. Evans has accepted the invitation and indicated that April 7th would be a convenient date for him to deliver the address; now, therefore, be it

Resolved, By the Senate and the House of Representatives concurring, that a Joint Session to hear an address by Mr. Evans be held at 11:00 o'clock a.m., April 7th, 1949, and that Mr. Evans be notified by the Secretary of the Senate of the hour at which the session will be held.

The resolution was read.

On motion of Senator Moore and

by unanimous consent, the resolution was considered immediately and was adopted.

#### Senate Concurrent Resolution 29

Senator Ashley offered the following resolution:

S. C. R. No. 29, Inviting Honorable Millard Caldwell to address a Joint Session of the Legislature.

Whereas, The Honorable Millard Caldwell, former Governor of the State of Florida and now Chairman of the Regional Educational Council of the Southern Governors' Conference, will be a visitor in the City of Austin on Tuesday, March 15, 1949; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that an invitation be extended to this distinguished visitor to address a Joint Session of the Legislature, to be held in the Hall of the House, on Tuesday, March 15, 1949, at 11:45 o'clock a.m., that Governor Beauford H. Jester be requested to accompany him to the Joint Session; and that a committee of three members of the House and three members of the Senate be appointed to escort the distinguished visitor and Governor Jester to the Hall of the House at the time specified.

The resolution was read.

On motion of Senator Ashley, and by unanimous consent, the resolution was considered immediately and was adopted.

#### Senate Resolution 72

Senator Ashley offered the following resolution:

Whereas, We are honored today to have in the gallery the 6th Grade Class in Social Studies from the Austin Bryker Woods School accompanied by their teacher, Mrs. Nitschke, and

Whereas, These students and guests are on an educational tour of the Capitol Building; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate and that they be extended the courtesies of the floor for the day, and that each member of this class be furnished with a copy of this resolution.

The resolution was read and was adopted.

### Messages From the Governor

The President laid before the Senate and directed the Secretary to read the following messages from the Governor:

Austin, Texas,  
March 7, 1949.

To the Members of the 51st  
Legislature:

In compliance with Sec. 3 of Article 1273a of the Revised Civil Statutes of Texas, the Commissioners on Uniform State Laws have submitted a report, under date of February 7, 1949.

I transmit that Report herewith for the information of the Legislature.

Respectfully yours,

BEAUFORD H. JESTER,  
Governor of Texas.

### Report of Commissioners on Uniform State Laws

The undersigned, appointed by the Governor of Texas as Commissioners to the National Conference of Commissioners on Uniform State Laws, in compliance with Sec. 3 of Article 1273a of the Revised Civil Statutes of Texas, make this, their report to the Governor, and their recommendations to the Legislature.

1. Three of these Commissioners attended the meeting of the National Conference of Commissioners on Uniform State Laws at Cleveland, Ohio, during the week of September 15-20, 1947, and one of the Commissioners attended the meeting at Seattle, Washington, during the week of September 2, 1948. Several of the Commissioners conferred together at Houston, Texas, during the Convention of the Texas State Bar, July 1 and 2, 1948.

On January 20, 1949, at the invitation of the Honorable Price Daniel, Attorney General of Texas, three of your Commissioners, Judge Ben H. Powell, Lucian Morehead, and O. D. Brundidge, met with the Council on Interstate Cooperation in the office of the Attorney General at Austin.

Considering the fact that the State of Texas has never contributed anything toward the expense of the National Conference, the Texas Commissioners have been active and influential in the work of the Conference. Mr. Hutcheson was a member of the Legislative and Public Information Committee in 1947, and in 1948 was a member of the Special

Committee on Acts pertaining to Ancillary Administration of Estates. Mr. Lucian Morehead of Plainview was assigned to the Uniform Corporation Acts Section in 1947, and in 1949 is a member of the Special Committee on Oil Conservation.

Commissioner Crook is one of the eighteen life members of the National Conference of Commissioners on Uniform State Laws, with a record of more than forty years' membership, coextensive with the membership of the State of Texas in the Conference.

Mr. Crook has been ill and unable to attend the last two meetings of the Conference, but he is still a highly esteemed member of the body.

Commissioner Brundidge was Chairman of the Committee on Oil Conservation in 1948, and after the 1949 Conference was assigned to the Uniform Corporation Acts Section.

Judge Powell is a member of the Legislative and Public Information Committee, and since January 20th will be Chairman of the delegation from Texas, and as such, in charge of the Legislative program in the State Legislature.

The Conference at Seattle was devoted largely to the consideration of the Commercial Code, which the Conference has been engaged in drafting for a number of years. Several articles of the Commercial Code are practically completed, and ready to be submitted to the final joint meeting of the National Conference of Commissioners on Uniform State Laws and the American Law Institute in Washington, D. C., on May 18-21, inclusive, 1949. This special meeting will be in addition to the annual meeting of the Conference, which will be held in St. Louis, commencing August 29, 1949. This revision of the Commercial Code, including contracts, sales, bills of lading, negotiable instruments, etc., is an undertaking of tremendous importance, and when completed will have enormous influence on legislation in various states for many years to come.

In the January, 1949 "Commercial Law Journal", Gibson B. Witherspoon says: "Some of the truly great legal minds of America are working tirelessly on the Commercial Code...when completed you will find this new Code streamlined and carefully drafted to fit into our modern business transactions."

Your Commissioners make the fol-

lowing five recommendations to the Governor and the present session of our Legislature:

1. We again recommend to the Legislature the amendment of the Act providing for the appointment of Commissioners in conformity with the model promulgated by the Conference, which also provides for the State of Texas to contribute \$750.00 a year to the support of the general work of the Commission. Many states pay all or at least a large portion of the expenses of their Commissioners who are attending these meetings. The meetings last for an entire week, and the Commissioners are compelled to spend considerable sums in transportation, hotel bills, and other expenses connected with the work. No Commissioner has complained on this score, but it is embarrassing to the Commissioners to have the name of the State of Texas called at each meeting and the amount of \$750.00 announced as assessed against the state for general expenses of the Commission, and to have to report that the State of Texas is too poor to pay anything for this great work.

2. Your Commissioners recommend that the Legislature adopt the Uniform Simultaneous Death Act. This Act has already been adopted by more than twenty-eight states, and will be introduced in the Legislatures of at least nine states during the present year. It will prevent a great deal of useless litigation, and should be adopted.

3. Your Commissioners recommend the adoption of the Uniform Reciprocal Judgment Act. This Act will be submitted to the Legislatures of at least thirteen different states this year, and will make the enforcement of judgments rendered in other states, uniform in the states adopting it, relieving judgment creditors of a great deal of expense and delay in enforcing their judgments.

4. Your Commissioners recommend the adoption of the uniform Divorce Recognition Act. Differences of opinion among even members of the Supreme Court of the United States make it imperative that a uniform Divorce Recognition Act be adopted by the several states. In no other way can the adoption of a national divorce act be forestalled.

5. Your Commissioners recommend the adoption of the uniform Acknowledgements Act.

Our antiquated married women's

acknowledgement act has been universally condemned by the lawyers and citizens of Texas for many years, and it is high time that a uniform acknowledgement form be adopted.

Copies of these uniform and model acts have been requested from the Secretary of the National Conference of Commissioners on Uniform State Laws, and will be furnished to Your Honor and the members of the Legislature who are interested in them, at an early date.

At the joint meeting referred to on January 20th, in the office of the Attorney General of Texas, attended by ten members of the Council of Interstate Cooperation, and three of your Commissioners, the Council unanimously agreed to join your Commissioners in recommending that the above five acts be adopted by the present Legislature, and particularly that the Legislature amend the Act relating to the appointment of Commissioners to include a contribution of at least \$750.00 to the general expenses of the Conference.

Respectfully submitted,

WILLIAM M. CROOK,  
PALMER HUTCHESON,  
LUCIAN MOREHEAD,  
BEN H. POWELL,  
O. D. BRUNDIDGE,  
Commissioners.

Austin, Texas,  
March 9, 1949.

To the Members of the 51st  
Legislature:

The continued expansion of facilities for the distribution of electric light and power in the rural areas of Texas is of great importance. All of us know that many electric lines have been built along the right-of-way of state highways and county roads. Many thousands of miles of lines have been so constructed and built by rural electric cooperatives and other utilities engaged in the distribution of electric power. These lines were built in good faith under franchises granted by the various Commissioners' Courts of Texas, and they provide the means of getting electric light and power to many small towns and rural communities.

In what are known as the Hempstead and Jasper cases, the Supreme Court of Texas has held that the Commissioners' Courts had no authority to grant such franchises. The result of this decision is that all such lines constructed under county fran-

chises are now illegally on the right-of-way of such roads and highways. The expense of moving them would be prohibitive and in many rural areas and unincorporated towns the people cannot enjoy the benefits of electric service unless the lines are built along the edge of the right-of-way of highways and county roads. Furthermore, I am informed by responsible representatives of the rural electric cooperatives that under the present circumstances it is most difficult, if not impossible, to refinance existing loans or to acquire new money for further expansion.

I believe it is important that we solve this pressing problem as soon as possible in order that those engaged in the task of making electric service available to all the rural homes in this state may be able to legally operate such existing lines, and continue the program of carrying electric light and power to communities where such service is not now available.

It is my understanding that Senate Bill No. 205 and House Bill No. 393 will effectuate the desired purpose in this connection, and I hereby submit these bills as emergency matters under the authority of Section 5 of Article III of the Constitution of Texas.

Respectfully submitted,  
BEAUFORD H. JESTER,  
Governor of Texas.

Austin, Texas,  
March 10, 1949.

To the Members of the 51st  
Legislature:

It has just come to my attention that the State of Texas is the only member of the Rio Grande Compact Commission which is delinquent in the payment of its pro rata part of its cost in administering the Compact and cost of printing reports of the Commission.

It is not necessary for me to call attention to the importance of the activity of this Commission or to the obvious undesirability of the State of Texas being in default on its obligations.

An emergency appropriation of \$3,400 is required in this connection.

It is my understanding that House Bill 264 by Jameson and Isaacks will provide this amount, and under the authority of Section 5 of Article III of the Constitution of the State of Texas, I hereby submit the matter

contained in that bill as a proper subject for emergency legislation.

Respectfully submitted,  
BEAUFORD H. JESTER,  
Governor of Texas.

Austin, Texas,  
March 10, 1949.

To the Members of the 51st  
Legislature:

After a conference with and at the request of Representative J. A. Luedemann of Washington County, District No. 24, I am vetoing and returning herewith House Bill No. 332 to the House of Representatives.

Dr. Luedemann explains that the intent of the Bill was to keep people from removing minnows from the Brazos River but since Grimes and Brazos Counties refused to have a similar minnow law passed, the purpose would not be served.

As this Bill was introduced, sponsored and passed by Dr. Luedemann for the above stated reasons, I am vetoing this Bill at his request.

Respectfully submitted,  
BEAUFORD H. JESTER,  
Governor of Texas.

#### Senate Resolution 75

Senator Phillips offered the following resolution:

Whereas, It appears from present reports that a serious effort is now being made to induce the Congress of the United States to take the necessary steps toward completion of the Great Lakes-St. Lawrence Seaway and Power Treaty; and

Whereas, The Senate of the State of Texas, although actuated by every desire to cooperate with the Government in its plans for our National Defense, firmly believes that such a development would not be in the public interest in any manner, but would be hostile to the best interests of the State of Texas and of the United States, as it would disrupt and demoralize the transportation systems of the United States, land and water, and would disastrously affect the economic welfare of the country, and would particularly work a hardship on the Texas ports, and would cause irreparable injury to a large percentage of the public interests and labor of this State and Nation; now, therefore, be it

Resolved, By the Senate of the State of Texas, that it go on record as being



strongly opposed to this project; and, be it further

Resolved, That the Congress of the United States, and particularly the Senators and Representatives elected from the State of Texas, be memorialized and requested to use their utmost influence in opposition to said project; and, be it further

Resolved, That a copy of this resolution be immediately transmitted to the Secretary of the United States Senate, Colonel Edwin A. Halsey; the Speaker of the House of Representatives, Honorable Sam Rayburn; and to each Senator and Representative elected from the State of Texas.

The resolution was read and was adopted.

#### Senate Bill 22 Set as Special Order

Senator Morris moved that Senate Bill No. 22 be set as a special order for Monday, March 21, 1949, immediately following the morning call.

The motion prevailed by the following votes:

#### Yeas—31

Aikin	Jones
Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bracewell	Lane
Bullock	Lock
Carney	Martin
Colson	McDonald
Corbin	Moffett
Cousins	Moore
Hardeman	Morris
Harris	Phillips
Hazlewood	Proffer
Hudson	Shofner
Strauss	Vick
Taylor	Weinert
Tynan	

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
March 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Resolution:

S. C. R. No. 25, Inviting William Christian Bullitt to address a Joint Session of the Legislature.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 17, A bill to be entitled "An Act prohibiting the selling, offering, exhibiting for sale, or having in possession with intent to sell as food for human consumption horsemeat, defining horsemeat, prohibiting the transfer of its possession under certain circumstances, setting out facts constituting prima facie evidence of violations of this act, providing that the act shall not affect provisions of city ordinance except where providing for injunctions against persons violating the act from engaging in the business of purveying meat, providing a repealing clause, providing a savings clause and declaring an emergency."

H. B. No. 20, A bill to be entitled "An Act making an emergency appropriation to the Attorney General for the purpose of defending the title of the State of Texas to lands beneath navigable waters within the State's boundaries, conducting additional research and litigation, and assistance to the Legislature, and declaring an emergency."

H. B. No. 127, A bill to be entitled "An Act providing for the creation, regulation and financing of Mosquito Control Districts in certain counties; providing that this Act shall be severable; and declaring an emergency."

H. C. R. No. 33, Providing for the appointment of a committee to study the election laws of the State.

H. C. R. No. 41, Authorizing the enrolling clerk to make certain corrections in H. B. No. 17.

H. C. R. No. 42, Granting each House permission to adjourn from Thursday, March 10, 1949, until Monday, March 14, 1949.

#### Senate Joint Resolution 1 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. J. R. No. 1, Proposing an amendment to Section 2 of Article VI of the

Constitution, repealing the provision making the payment of a Poll Tax a qualification of an elector; requiring the Legislature to pass a general registration law for voters; providing for the necessary election, proclamation and publication by the Governor, and making an appropriation.

The resolution was read second time.

Senator Hardeman offered the following amendment to the resolution:

Amend S. J. R. No. 1 by striking out all of Section I and inserting in lieu thereof the following:

**"Section I.**

Section 2, Article VI of the Constitution of the State of Texas be and the same is amended hereby so as to read hereafter as follows:

'Section 2. Every person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years and who shall be a citizen of the United States and who shall have resided in this State one year next preceding an election and the last six months within the district or county in which such person offers to vote, shall be deemed a qualified elector. The husband may pay the poll tax of his wife and receive the receipt therefor. In like manner the wife may pay the poll tax of her husband and receive the receipt therefor. Provided, that electors living in any unorganized county may vote at any election precinct in the county to which such county is attached for judicial purposes; and provided further, that before offering to vote at any election in this State, a voter shall have registered as an elector before the first day of February next preceding such election. The husband may register for his wife and receive the receipt therefor; and in like manner the wife may register for her husband and receive the receipt therefor. The Legislature shall pass general registration laws not inconsistent herewith. The Legislature may authorize absentee voting.'

Question—Shall the amendment be adopted?

**Message from the Governor**

The President laid before the Senate and directed the Secretary to read the following message from the Governor:

Austin, Texas,  
March 14, 1949.

To the Members of the 51st Legislature:

A wise man has said that "child by child we build a nation."

Certainly there is no resource of a State which deserves more careful, expert and devoted care than that represented by the children and youth of our society.

That is the reason, of course, for our great emphasis on the provision of adequate educational facilities, our attention to child hygiene and health, our insistence upon adequate recreation, our demand that no effort be spared to strengthen the moral fibre of our society as it relates so definitely to the development of our youth.

Aware of the supreme importance of proper child care in the life of our State, the Fiftieth Legislature wisely authorized the creation of a commission to study one phase of our State activity in this field.

As a result, we established the Texas Training School Code Commission—composed of seven distinguished citizens of Texas—to report on the program of the State in dealing with children who require attention that cannot be furnished by the effort and resource of the family. Particularly were they charged with evaluating the juvenile training institutions of Texas, and the result of the supervision and instruction given there.

With vision and great enterprise, the Commission directed its research and study to the fundamental needs of the delinquent and the problem child, the experience of other States and countries in dealing with the situation, and the best thought and suggestions that have been given by recognized authorities in the field.

All agencies of State government which could conceivably make a contribution to the study were invited to participate, and they responded with an enthusiasm which heartened us all.

Distinguished authorities were brought in and gave weeks of time and invaluable help to the enterprise.

Members of the Commission held frequent meetings, inspected existing institutions, and made trips to other sections of this country to see at first hand the best approved operations.

(Incidentally, no appropriation was given this Commission and members

have drawn no money from the State for their own expenses or for the other costs of this inquiry.)

As a result of this cooperative effort, this Commission has produced what in my judgment is one of the most comprehensive and challenging reports ever made by such a Commission within my knowledge.

Indeed, one of the leading national authorities in this field, after reviewing this report and recommendation, characterized it as the most far-reaching and realistic approach to the problem ever made by a State of the American Union.

The report revealed that only two per cent of the children who constitute social problems ever reach our juvenile training institutions.

Therefore, while making meaningful and what I think are essentially sound recommendations for the operation of our training institutions, the Commission has wisely reviewed the entire problem of youth development in our State and has presented a plan—not for the creation of expensive new agencies—but for the mobilization of existing forces of State government in a comprehensive Youth Development Program, emphasizing prevention of delinquency, scientific diagno-

sis and treatment, in addition to custodial care. The report is forthright and challenging.

Its vision of what can be done is inspiring.

I know that the Legislature of Texas will find in these recommendations the basis for action which will have profound significance in the life of our State and in the promotion of the well-being of our most cherished and valuable resource.

I wish to commend this Commission, and all who have assisted it, for a splendid contribution to the public good.

The formal report of the Commission is submitted herewith for the information of the Legislature.

Under authority of Section 5 of Article III of the Constitution, I submit as a subject for emergency legislation the bill which has been prepared to carry out this worthy purpose.

Respectfully submitted,  
BEAUFORD H. JESTER,  
Governor of Texas.

#### Adjournment

On motion of Senator Vick, the Senate at 12:00 o'clock m., adjourned until 10:30 o'clock a.m. tomorrow.

**In Memory of**  
**Mrs. Will N. Harrison**

---

Senator Morris offered the following resolution:

(Senate Resolution 70)

Whereas, On the 8th day of March, 1949, Mrs. Will N. Harrison was called to her Heavenly reward; and

Whereas, Mrs. Harrison's passing, at the age of 85, ended a very full and outstanding life of service as a pioneer teacher, club leader and civic worker; and

Whereas, Mrs. Harrison was born in Wisconsin, and came to Texas with her parents, Oran Dorman Moulton and Cornelia Walworth Moulton, in 1868, making the journey in a covered wagon through Indian territory; and

Whereas, She received her early education in private schools in Greenville, Texas, and was admitted to Sam Houston State Teachers College the first term it was opened, in the Fall of 1879; after graduation from Sam Houston State Teachers College she began her teaching career in Greenville; after her husband's death in 1916 Mrs. Harrison resumed her teaching career, and has always continued to study while teaching, having received a bachelor of arts degree from East Texas State College and a master's degree from Southern Methodist University; and

Whereas, She was an outstanding Christian laywoman, having been a teacher of a Sunday School class at the Central Christian Church most of her adult life; and

Whereas, She has been continuously active in club work, childhood educational projects, church work and work with civic organizations, having been a leader in the establishment of a Carnegie Library in Greenville; and

Whereas, She was always willing to contribute generously of her time, her means and her talents, to the end that the welfare of her fellow citizens everywhere might be improved; and

Whereas, She was a faithful wife and mother; and

Whereas, She filled all the years allotted to her with a devoted service to her family, her friends and to her community; and

Whereas, It is the desire of the Senate of Texas to recognize and to pay tribute to the services and useful life of this outstanding Texan, Mrs. Will N. Harrison, and to express sympathy to her family; now, therefore, be it

Resolved, By the Senate of Texas, that the loss of this pioneer teacher and civic leader is a loss to the City of Greenville and to the whole State; and that a copy of this resolution be sent to the members of her family as a tribute to her life; and, be it further

Resolved, That when the Senate adjourns today it do so in respect to the memory of Mrs. Will N. Harrison.

The resolution was read and was adopted.

**In Memory of**  
**Stephen L. Pinckney**

---

Senator Bracewell offered the following resolution:

(Senate Resolution 73)

Whereas, God in His Infinite Wisdom, on the twenty-second day of February, 1949, in the City of Houston, called to rest Stephen L. Pinckney, of Harris County, Texas; and

Whereas, Stephen L. Pinckney was born in 1887, in Austin, Texas, of an old and prominent family, was reared in Austin and Kyle, and received his higher education at the University of Texas; and

Whereas, He served in the law offices of the now Senator Tom Connally in Marlin, Texas upon his graduation from the University of Texas Law School; and

Whereas, Prior to World War I, Stephen L. Pinckney became an intelligence man for the Department of Justice, later serving on the Intelligence Staff of General John J. Pershing; and

Whereas, Stephen L. Pinckney was a key figure in United States intelligence work in Mexico during the Pancho Villa Episode; and

Whereas, President Wilson, in recognition of his superb ability as an intelligence man, chose him to investigate the Everglades Scandal in Florida; and

Whereas, Stephen L. Pinckney was successful in the practice of oil law in Breckenridge, Texas, and later moved to Houston, Harris County, where he gained the respect of his colleagues at the bar and the entire citizenry of Harris County for his professional ability and his unselfish interest in public affairs; and

Whereas, In politics he never sought or held office, but always devoted his time, effort and energy to fight for his political convictions, serving on the Texas Democratic Executive Committee; now, therefore, be it

Resolved, By the Senate of the State of Texas, that this body acknowledge with deep regret the loss to the State of Texas which occurred with the death of Stephen L. Pinckney, a man whose conduct throughout his lifetime exemplified the finer qualities of service to mankind; be it further

Resolved, That copies of this resolution be forwarded to his wife, Mrs. Elizabeth Proctor Pinckney, and his mother, Mrs. T. F. Pinckney.

BRACEWELL  
VICK

The resolution was read and was adopted.

**In Memory of**  
**Willard Van Meter Howerton**

---

Senator Ashley offered the following resolution:

(Senate Resolution 74)

Whereas, An All Wise Providence saw fit to call from this life on March 28, 1948, Willard Van Meter Howerton, an attorney and public servant of highest ideals and moral character, who was born in Novelty, Shelby County, Missouri; who attended public schools and college in Novelty and came to Texas in 1893; who taught school near McKinney, Texas; who came to Austin, Texas in 1905, worked in Judge Robertson's law office, and was admitted to the Texas Bar in 1922; and

Whereas, Mr. Howerton served as Secretary of the Texas Senate for many years, and was Secretary of the Industrial Accident Board under Governor Dan Moody's administration; and

Whereas, The said Mr. Howerton, a man remembered for his benevolent work and honorable demeanor, unselfishly devoted himself to the advancement of Christian Principles and was a valued member of the Central Christian Church, where he was Sunday School Superintendent and Member of the Board for many years; and

Whereas, Willard Van Meter Howerton and Miss Lillie Rachel Moore of McKinney were married in 1894, there being three children born to this union: Mrs. Mary Roberts, 1705 Cedar Avenue, Austin; Edgar R. Howerton, 243 Royston Avenue, San Antonio; and John C. Howerton, Melissa, Collin County, Texas. Mrs. Howerton died in El Paso in 1904; and

Whereas, The State of Texas has suffered a great loss in the passing of this noble man. Therefore, be it

Resolved, That the Senate of the State of Texas pay tribute to the memory of Willard Van Meter Howerton and extend to his survivors its sincerest sympathy, and that a page of the Senate Journal of today be dedicated to his memory.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of  
**Judge E. A. Berry, Sr.**

---

Senator Colson offered the following resolution:

(Senate Concurrent Resolution 27)

Whereas, On January 21, 1949, the illustrious career of E. A. Berry, Sr., as barrister and jurist, was closed by his death at the family home in Madisonville, Texas, just a few short miles from where he was born September 22, 1879; and

Whereas, In the death of Judge E. A. Berry, Sr., Texans witnessed the passing of one whose footsteps marked service and progress on every path he chose to travel whether in the law, in civic enterprises, in religious councils or in public office; and

Whereas, He was a graduate of Texas' oldest educational institution, Southwestern University of Georgetown of the class of 1900, was admitted to the bar in 1901, and subsequently rendered invaluable service in public office as District Attorney, Judge of the 12th Judicial District Court, a member of the Commission to the Court of Criminal Appeals, as Chairman of the Industrial Accident Board and as an Assistant Attorney General, leaving a record in these fields which will ever remain as a challenge to those who follow; and

Whereas, As a staunch and loyal Democrat whose fidelity to Southern ideals and traditions remained unshaken, he contributed his time and service to the party of his fathers both as a member and as Chairman of the State Democratic Executive Committee; and

Whereas, Judge Berry was charitable to the unfortunate and friendly and generous in his consideration for others, he found comfort and joy in the religious field as a Steward in the Methodist Church and teacher of a men's Bible class for many years, through which service he won a wide circle of friends with laymen and ministers alike; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that we extend to the members of the esteemed family of this illustrious Texan our deep sense of loss and sincere sympathy in his passing; that we recognize his service to the State; that an enrolled copy of this resolution be furnished his family; and that when the Senate adjourns today it do so in tribute to the memory of Judge E. A. Berry, Sr.

The resolution was read.

On motion of Senator Colson and by unanimous consent, the resolution was considered immediately and was adopted.